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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/264,065	03/08/1999	JOEL D. PESHKIN	20944.2200	2575

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EXAMINER

BURD, KEVIN MICHAEL

ART UNIT

PAPER NUMBER

2631

DATE MAILED: 03/11/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/264,065

Applicant(s)
PESHKIN ET AL

Examiner
Kevin M. Burd

Art Unit
2631



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jan 16, 2002
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-52 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 4-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 20) ☐ Other: _____

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DETAILED ACTION

1. This office action, in response to the amendment filed 1/16/2002, is a final office action.

Response to Arguments

2. The objection to the specification is withdrawn due to the amendment.
3. Applicant's arguments filed 1/16/2002 have been fully considered but they are not persuasive.

Applicant states Gorniak et al (US 4,817,147) does not disclose implementing logical channels and specifically a physical channel having a logical command channel and a logical data channel. However, Gorniak discloses a command channel as shown in figure 1, as transmitting between elements 28 and 24 via line 22 and a data channel which is transmitted between elements 28 and 26 via line 22. This information is shown in figure 1 and described in column 3, line 51 to column 4, line 15. Applicant states on page 8, 3rd paragraph, "logical channels, on the other hand, comprise sets of data, suitably transferred on the same or different physical channels, that are sent to the same destination." Since all of the command sets of data are sent to the same destination (element 24) and the data sets of data are sent to the same destination (element 26), the channels disclosed by Gorniak are logical channels. The rejections of

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claims have been changed to cover the added limitations provided by the amendment and are stated below. The rejections of new claims 20-52 are also stated below.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 23-27, 34-38 and 45-49 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 23, 34 and 45, it is unclear what the terms "a of receive register; and a of transmit register" means. Clarification and correction are required. Claims 24-27, 35-38 and 46-49 are rejected due to dependence on claims 23, 34 and 45 respectively.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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7. Claims 1 and 4-52 are rejected under 35 U.S.C. 102(b) as being anticipated by Gorniak et al (US 4,817,147).

Regarding claims 1 and 4, Gorniak discloses an intelligent synchronous modem on figures 1 and 4. A first port is connected to a primary communication channel for the communication of synchronous data and a second port is connected to a second communication channel for the communication of command data (column 3, line 51 to column 4, line 15 and column 5, lines 11-20). It is deemed inherent the modem will contain a controller to execute the received commands in the personal computer.

Regarding claims 5-9, 14 and 15, it is deemed inherent that the personal computer will request the data received via the modem when the received information is to be processed by the personal computer.

Regarding claims 10-13, Gorniak further discloses data being sent from a remote unit to the modem is controlled by the microprocessor. In addition, a check is done to determine if the incoming information is subpar or the like (column 6, lines 43-68). The data must be saved for a period of time to allow this check to take place. Therefore, the data is saved in the modem.

Regarding claim 16, figure 2 shows a microprocessor coupled to the communication channels.

Regarding claims 17 and 18, Gorniak further discloses data being sent from a remote unit to the modem is controlled by the microprocessor. In addition, a check is

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done to determine if the incoming information is subpar or the like (column 6, lines 43-68). The data must be saved for a period of time to allow this check to take place.

Therefore, the data is saved in the modem.

Regarding claim 19, Gorniak discloses the channel interface is a RS232C interface. Figure 1 discloses the transmitted data from the interfaces in parallel from a serial source.

Regarding claims 20, 31 and 42, Gorniak discloses an intelligent synchronous modem on figures 1 and 4. A first port is connected to a primary communication channel for the communication of synchronous data and a second port is connected to a second communication channel for the communication of command data (column 3, line 51 to column 4, line 15 and column 5, lines 11-20). Data will be received from the personal computer or from the switched network. It is deemed inherent the modem will contain a controller to execute the received commands in the personal computer.

Regarding claims 21-27, 29, 30, 32-38, 40, 41, 43-49, 51 and 52, Gorniak discloses a personal computer receives the command and data information via line 22. In a personal computer, received data stored in buffers and registers numerous times until a time when the data is needed or requested.

Regarding claims 28, 39 and 50, in a personal computer, numerous bi-directional data lines, address lines, control lines and status lines are present which allows for fast data transfer when needed or requested.

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Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Contact Information

Any response to this final action should be mailed to:

Box AF

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

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(703) 872-9314, (for formal communications; please mark "EXPEDITED PROCEDURE" or for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Burd, whose telephone number is (703) 308-7034. The Examiner can normally be reached on Monday-Thursday from 9:00 AM - 5:00 PM. The examiner can also be reached on alternate Friday.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3800.



Kevin M. Burd
PATENT EXAMINER
March 8, 2002



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3/11/02